BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CONSTANCE MARIE MILLICK P O Box 61617 Reno, NV 89506

Registered Nurse License No. 612705

Respondent

Case No. 2012-173

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Reproval is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **September 19, 2012**.

IT IS SO ORDERED August 20, 2012.

Raymond Mallel, President

Board of Registered Nursing

Department of Consumer Affairs

State of California

	Π		
1	Kamala D. Harris		
2	Attorney General of California ALFREDO TERRAZAS		
3	Senior Assistant Attorney General DIANN SOKOLOFF		
	Supervising Deputy Attorney General		
4	State Bar No. 161082 1515 Clay Street, 20th Floor		
5	P.O. Box 70550 Oakland, CA 94612-0550		
6	Telephone: (510) 622-2212 Facsimile: (510) 622-2270		
7.	Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against: Case No. 2012-173		
12	CONSTANCE MARIE MILLICK STIPULATED SETTLEMENT AND		
13	Post Office Box 61617 DISCIPLINARY ORDER FOR PUBLIC REPROVAL		
14	Registered Nurse License No. 612705 [Bus. & Prof. Code § 495]		
15	Respondent.		
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19	<u>PARTIES</u>		
20	1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Interim Executive Officer of		
21	the Board of Registered Nursing. She brought this action solely in her official capacity and is		
22	represented in this matter by Kamala D. Harris, Attorney General of the State of California, and		
23	by Diann Sokoloff, Supervising Deputy Attorney General.		
24	2. Respondent Constance Marie Millick (Respondent) is representing herself in this		
25	proceeding and has chosen not to exercise her right to be represented by counsel.		
26	3. On or about January 30, 2003, the Board of Registered Nursing issued Registered		
27	Nurse License No. 612705 to Constance Marie Millick (Respondent). The Registered Nurse		
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License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-173 and will expire on March 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 2012-173 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 26, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-173 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 2012-173. Respondent has also carefully read, and understands the effects of this
 Stipulated Settlement and Disciplinary Order for Public Reproval.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-173.
- 9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s probationary terms as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

10. Respondent Constance Marie Millick has never been the subject of any disciplinary action. She is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

- 11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the same force and effect as the originals.
- 13. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 612705 issued to Respondent Constance Marie Millick (Respondent) shall, by way of letter from the Board's Executive Officer, be publicly reproved. The letter shall be in the same form as the letter attached as Exhibit B to this stipulation.

IT IS FURTHER ORDERED that within one year from the effective date of this decision, Respondent shall pay \$1127.50 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until Respondent pays costs in full.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reproval.

I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: De nombrade 2011	Matitur Milie Miliak CONSTANCE MARIE MILLICK
	CONSTANCE MARIE MILLIČK
•	Respondent
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ENDORSEMENT

. 1 The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs. Respectfully submitted, dated: KAMALA D. HARRIS Attorney General of California ALFREDO TERRAZAS Senior Assistant Attorney General Supervising Deputy Attorney General Attorneys for Complainant SF2011900370 90220664.doc

Exhibit A

Accusation No. 2012-173

1	Kamala D. Harris		
2	Attorney General of California DIANN SOKOLOFF		
	Supervising Deputy Attorney General		
3	SUSANA A. GONZALES Deputy Attorney General		
4	State Bar No. 253027		
5	1515 Clay Street, 20th Floor P.O. Box 70550		
	Oakland, CA 94612-0550		
6	Telephone: (510) 622-2221 Facsimile: (510) 622-2270		
7	Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
	STATE OF CALIFORNIA		
10	22125		
11	In the Matter of the Accusation Against: Case No. 2012-175		
12	CONSTANCE MARIE MILLICK, a.k.a.		
13	CONSTANCE MARIE WOOD, a.k.a. CONSTANCE MARIE ALEXANDER A C C U S A T I O N		
14	Post Office Box 61617		
	Reno, NV 89506 Registered Nurse License No. 612705		
15	Respondent.		
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18	Complainant alleges:		
19	PARTIES		
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
21	official capacity as the Executive Officer of the Board of Registered Nursing, Department of		
22	Consumer Affairs.		
23	2. On or about January 30, 2003, the Board of Registered Nursing issued Registered		
24	Nurse License Number 612705 to Constance Marie Millick, also known as Constance Marie		
25	Wood, also known as Constance Marie Alexander (Respondent). The Registered Nurse License		
26	was in full force and effect at all times relevant to the charges brought in this Accusation and will		
27	expire on March 31, 2012, unless renewed.		
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), of the Code, the Board may renew an expired license at any time within eight years after the expiration.
- 6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

8.

"'Controlled substance' means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code."

9. Code section 4022 provides:

Code section 4021 states:

"'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in humans or animals, and includes the following:

- "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without prescription,' 'Rx only' or words of similar import.
- "(b) Any device that bears the statement: 'Caution: federal law restricts this device to sale by or on the order of a ,' 'Rx only,' or words of similar import . . .
- "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."
- 10. Percocet is the trade name for the combined generic substance Oxycodone Hydrochloride and Acetaminophen and is a Schedule II controlled substance as defined by Health and Safety Code section 11055, subdivision (b)(1)(M), and a dangerous drug under Code section 4022. It is a semisynthetic narcotic analgesic with multiple actions qualitatively similar to those of morphine. Oxycodone can produce drug dependence of the morphine type and, therefore, has the potential for being abused. Repeated administration of Percocet may result in psychic and physical dependence.

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline) (Bus. & Prof. Code §2761, subd. (a)(4))

12. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about March 19, 2009, in a disciplinary action before the Nevada State Board of Nursing (Nevada Board), the Nevada Board entered an Agreement for Probation (Agreement) placing Respondent's Nevada registered nurse license on probation for two years under various terms and conditions. The Agreement required Respondent to: (1) within the first two years of the Agreement, take and successfully complete one 30 hour course in legal ethics, one 30 hour course in documentation in nursing, and the Nevada Nurse Practice Act web-based course; (2) abstain from the use of alcohol and all mood altering drugs and controlled substances except when absolutely required for documented medical treatment; (3) notify the Nevada Board in writing of any change of address; (4) have her license marked "restricted" throughout the probationary period; (5) at least 12 times per year, submit to random urine, blood, or other tests for drugs or abuse or alcohol whenever requested by her counselor, supervisor, or a representative of the Nevada Board; (6) during the first year of the Agreement, attend a minimum of 1 meeting of the Nevada Board during which disciplinary hearings are held; (7) prior to commencing work, obtain the Nevada Board's approval for all employment sites requiring a nursing license or certificate; (8) notify the Nevada Board in writing within 72 hours after commencement or termination of any nursing employment; (9) be employed in a setting in which direction is provided by a registered nurse; (10) not function as a supervisor, including as a head nurse or charge nurse, for a minimum of 1 year and unless approved by the Compliance Coordinator or the Disability Advisory Committee, or both; (11) not work more than 90 hours in a 2 week period; (12) provide a complete copy of the Agreement to her employer and immediate supervisor prior to commencing work; (13) cause her nursing supervisor to submit a written report prior to Respondent commencing work and quarterly written reports to the Nevada Board regarding Respondent's work attendance, reliability, ability to carry out assigned nursing functions, and ability to handle stress; (14) submit monthly self-reports regarding her progress,

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ability to handle stress, her mental and physical health, current job duties and responsibilities, ability to practice nursing safely, and any changes in her plan for meeting the stipulations of the Agreement; (15) attend an orientation meeting to facilitate her understanding and accountability of the terms and conditions of the Agreement; (16) meet with Nevada Board upon request and cooperate with representatives of the Nevada Board in their supervision and investigation of Respondent's compliance with the terms and conditions of the Agreement; (17) be financially responsible for all requirements of the Agreement; (18) provide a copy of the Agreement to any other state Board of Nursing in whose jurisdiction she has been issued a nursing license or certificate or has applied or will apply for a nursing license or certificate; and (19) obey all laws and report any violations to the Nevada Board within 72 hours.

13. The underlying conduct supporting the Nevada Board's disciplinary action is that from on or about May 2008, through June 2008, while working as a registered nurse at a hospital in Nevada, Respondent removed Percocet from the MedSelect system, failed to document administering the Percocet, and failed to document wasting the Percocet. The MedSelect system is an automated drug dispensing system that allows caregivers to store, dispense, and track medications in patient care areas. Respondent admitted that her conduct was unprofessional as defined by Nevada law and that she failed to properly document controlled substances.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 612705, issued to
 Constance Marie Millick, also known as Constance Marie Wood, also known as Constance Marie
 Alexander;
- 2. Ordering Constance Marie Millick, also known as Constance Marie Wood, also known as Constance Marie Alexander to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

1	3. Taking such other and further action as deemed necessary and proper.
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4	DATED: September 26, 2011 Strue Burn
5	LOUISE R. BAILEY, M.ED., RN Executive Officer
6	Board of Registered Nursing
7	Department of Consumer Affairs State of California Complainant
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Exhibit B

Letter of Public Reproval in Case No. 2012-173



STATE AND CONSUMER SERVICES AGENCY . GOVERNOR EDMUND G. BROWN

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



August 20, 2012

Constance Marie Millick P O Box 61617 Reno, NV 89506

RE:

LETTER OF PUBLIC REPROVAL

In the Matter of the Accusation Against:

Constance Marie Millick, Registered Nurse License No. 612705

Dear Ms. Millick:

On September 26, 2011, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation under Business and Professions Code section 2761, subdivision (a)(4), against your California Registered Nurse License No. 612705 because your Nevada registered nurse license was placed on probation for two years for failing to document administration and wasting of Percocet while working as a registered nurse at a Nevada hospital.

Taking into consideration the fact that you have been licensed by the California Board since 2003 without any prior disciplinary action, you have fully complied with the Nevada Board's probation terms and conditions, and you have provided compelling mitigation information, including several performance evaluations from your place of employment, the Board has determined that you are safe to practice registered nursing and that the charges alleged in the Accusation warrant a public reproval.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of consumer Affairs issues this letter of public reproval.

Sincerely,

LOUISE R. BAILEY, M.ED., R.N.

orine R. Bailey M. Ed., RN

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California